

ESTTA Tracking number: **ESTTA648320**

Filing date: **01/05/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	78811559
Applicant	Seacret Spa International LTD.
Applied for Mark	SEACRET
Correspondence Address	ALBERT L SCHMEISER SCHMEISER OLSEN & WATTS LLP 18 E UNIVERSITY DR STE 101 MESA, AZ 85201-5946 UNITED STATES trademarks@iplawusa.com
Submission	Request for Recnsdratn from Final Bd Dcsn
Attachments	Seacret Request Brief.pdf(254361 bytes ) Exhibits1-3.pdf(555770 bytes )
Filer's Name	Sean K. Enos, Arizona Bar Member
Filer's e-mail	trademarks@iplawusa.com, kenos@iplawusa.com
Signature	/Sean K. Enos/
Date	01/05/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Seacret Spa International LTD.

Serial No. 78811559

Filed: February 9, 2006

Mark: Stylized SEACRET

**TRADEMARK LAW OFFICE: 113**

Trademark Attorney: Timothy Schimpf

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Box TTAB No Fee  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**REQUEST FOR REHEARING, RECONSIDERATION AND**  
**MODIFICATION OF DECISION UNDER 37 CFR § 2.144**

Applicant respectfully requests that the Trademark Trial and Appeal Board (“Board”) reconsider and modify the decision rendered by the Board on December 3, 2014 in the above-referenced appeal pursuant to 37 CFR § 2.144. Based on this request, applicant further requests that the Board grant a rehearing prior to its reconsideration and decision on this request due to the importance of the legal issue involved herein.

Applicant’s request for reconsideration is primarily based on the Boards decision stating that, “Opposition No. 91174407 between Applicant and Registrant (as Opposer) concerning application Serial No. 78598113 (now Registration No. 4147147) . . . has no *res judicata*, collateral estoppel or stare decisis effect on this proceeding.” In view of the following,

Applicant requests reconsideration of Examining Attorney's refusal of registration based on Section 2(d).

The Board indicated in footnote 14 of its decision that:

“As regards any res judicata effect, we point out that while Registrant was a party to Opposition No. 91174407, Registrant is not a party to this proceeding and, further, that there were no issues actually adjudicated in that opposition.”

Applicant asserts that in Opposition No. 91174407, a final judgment on the merits of the claim was rendered and that an *inter partes* proceeding can have a preclusive effects in an *ex parte* proceeding.

A. Final Judgment on the Merits of Opposition No. 91174407

The Board has indicated that since the judgment in Opposition No. 91174407 was determined by Registrants failure to pursue that opposition. The Board in a previous opinion in *Orouba Agrifoods Processing Company v. United Food Import*, Cancellation No. 92050739 (TTAB 2010), held the opposite stating that:

Under the doctrine of res judicata or claim preclusion, “a judgment on the merits in a prior suit bars a second suit involving the same parties or their privies based on the same cause of action.” Jet, Inc. v. Sewage Aeration Systems, 223 F.3d 1360, 55 USPQ2d 1854, 1856 (Fed. Cir. 2000) (quoting Parklane Hosiery Co. v. Shore, 439 U.S. 322, 326 n. 5 (1979)). “For claim preclusion based on a judgment in which the claim was not litigated, there must be (1) an identity of the parties or their privies, (2) a final judgment on the merits of the prior claim, and (3) the second claim must be based on the same transactional facts as the first and should have been litigated in the prior case.” Sharp Kabushiki Kaisha v. Thinksharp, Inc., 448 F.3d 1368, 79 USPQ2d 1376, 1378 (Fed. Cir. 2006).

Here, the pleadings reveal that the parties in the two proceedings are identical. Petitioner does not contend otherwise.

While petitioner claims that the Board did not reach “the substantive merits” of the prior opposition proceeding, the Board’s February 12, 2008 order dismissed petitioner’s notice of opposition

with prejudice, and entered judgment against petitioner. For claim preclusion purposes, the Board's order is a final judgment on the merits. *International Nutrition Co. v. Horphag Research, Ltd.*, 220 F.2d 1325, 55 USPQ2d 1492, 1494 (Fed. Cir. 2000) ("default judgments can give rise to res judicata ... INC therefore cannot avoid the bar of res judicata on the ground that [its predecessor-in-interest's previous] opposition was abandoned and dismissed for failure to prosecute").

The Board has long recognized that default judgments can give rise to res judicata. The Board in Cancellation No. 92050739 further set out some of the facts surrounding the default judgment of a prior proceeding indicating that the petitioner in that proceeding failed to timely file its brief on the case in the prior opposition, or more importantly to take testimony or submit any evidence in support of its claims, the Board issued an order to show cause pursuant to Trademark Rule 2.128(a)(3) why petitioner's failure to file a brief should not be treated as a concession of the case. The petitioner failed to respond and a default judgment was entered. The Board determined that the petitioner's claims were barred by res judicata.

These same set of facts applies to Opposition No. 91174407. Registrant failed to file a brief, take witness testimony or submit evidence. An order to show cause was issued (see Exhibit 1) and Registrant failed to file a response. Accordingly, a judgment dismissing the opposition with prejudice was issued (see Exhibit 2). In Registrant's Notice of Appeal, as shown in Exhibit 3, Registrant indicated in paragraph 3 that it is the owner of Registrations Nos. 3094293 and 0645874 (both considered by the Board's decision in this matter) and further in paragraph 12 that Applicant's mark SEACRET is likely to cause confusion with Registrant's marks. In accordance with the reasoning of Cancellation No. 92050739, a judgment for failure to file a brief bars claims of likelihood of confusion based on res judicata as to Registrant and

Seacret for the same transactional facts as the first and should have been litigated in the prior case.

B. An Inter Partes Proceeding Has Preclusive Effects in an Ex Parte Proceeding

The Board has asserted that while Registrant was a party to Opposition No. 91174407, it is not a party to this proceeding and that no issues were actually adjudicated in that opposition. Stare decisis provides that when a court has once laid down a principle of law as applicable to a certain set of facts, it will adhere to that principle, and apply it to all future cases, where the facts are substantially the same, regardless of whether the parties and properties are the same. *In re Johanna Farms Inc.*, 8 USPQ2d 1408, 1410 (TTAB 1988).

In Opposition No. 91174407, a final judgment has been rendered and as a matter of law res judicata can be utilized to bar a claim in an action with the same parties. Stare decisis does not require the same parties to be involved. Rather, as in this instance, a principle of law as applicable to this set of facts will adhere to the principle and all future cases, where facts are substantially the same. In this matter, Registrant has had a final judgment on the merits rendered that SEACRET in a stylized form is not confusingly similar to Registrant's SECRET marks in Opposition No. 91174407. The Examining Attorney has used the same SECRET marks and this Board has rendered a decision based on these same SECRET marks under Section 2(d) likelihood of confusion. This is the same claim as brought against Applicant in Opposition No. 91174407. Because there is a final judgment on the merits and the facts are substantially the same regarding and assertion of likelihood of confusion of SEACRET in stylized form based on Registrant's SECRET marks, stare decisis applies.

C. Conclusion

For the foregoing reasons, applicant respectfully submits that the Board did not give proper consideration to the preclusive effects of stare decisis in rendering its decision. Based on this reconsideration, Applicant respectfully requests that the Board modify its decision to find that the Examining Attorney has not established a likelihood of confusion between Applicant's stylized SEACRET mark and Registrant's SECRET marks and reverse the refusal to register.

Respectfully submitted,  
Schmeiser, Olsen & Watts LLP  
Counsel for Applicant

Dated: January 5, 2015

By: /Sean K. Enos/  
Sean K. Enos  
18 East University Drive, Ste. 101  
Mesa, AZ 85201  
Telephone: (480) 655-0073  
Facsimile: (480) 655-9536

# **EXHIBIT 1**

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451**

**Mailed: July 6, 2011**

**Opposition No. 91174407**

**The Procter & Gamble Company**

**v.**

**Shmuel Y. Benshabat**

**Cheryl Butler, Attorney, Trademark Trial and Appeal Board:**

It is noted by the Board that opposer's time for filing a brief on the case has expired, and no brief has been filed.

(In accordance with the suspension order dated March 29, 2011, opposer's main brief was due by May 18, 2011.)

Trademark Rule 2.128(a)(3) provides that when a party in the position of plaintiff fails to file a main brief, an order may be issued allowing plaintiff time to show cause why the Board should not treat such failure as a concession of the case. The rule further provides that if plaintiff fails to file a response to the order, or files a response indicating that it has lost interest in the case, judgment may be entered against plaintiff. *See also* TBMP § 536 (3d ed. 2011).

In the event opposer responds indicating that its failure to file its main brief was inadvertent, and that opposer has not lost interest in this case, opposer must show excusable



neglect if it seeks to reopen its time to file the main brief. See TBMP § 536 (3d ed. 2011).

The Board notes in passing that no notices of reliance were filed during opposer's testimony period and that opposer's pleaded registrations are not of record. See Trademark Rule 2.122(d)(1). Unless opposer took testimony which has not yet been made of record, opposer does not appear to have any evidence of record upon which it may rely in support of its case. Thus, unless opposer moves to reopen its testimony period, and demonstrates excusable neglect in which to do so, this case may be dismissed based on opposer's lack of evidence (*i.e.*, failure to prosecute) even if opposer demonstrates that its failure to file its main brief was inadvertent.

In view of the above, opposer is allowed until **THIRTY DAYS** from the mailing date of this order to show cause why the Board should not treat its failure to file a brief as a concession of the case, failing which a judgment dismissing the notice of opposition with prejudice will be entered against opposer.<sup>1</sup>

Applicant indicates that opposer's attorney of record informed opposer he was no longer representing opposer because the law firm was dissolving. Applicant further indicates that

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<sup>1</sup> In the event proceedings are resumed, appropriate dates will be reset. Thus, applicant's motion for an extension of time (filed June 17, 2011) is considered moot.

Opposition No. 91174407

opposer's attorney of record was unable to inform applicant who was representing opposer.

Opposer's attorney of record remains recognized by the Board as counsel for opposer until a motion to withdraw representation is filed and granted; or a revocation is provided by opposer. See Patent and Trademark Office Rules 2.19(a) and (b), and 10.40; and TBMP § 116 (3d ed. 2011).

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cc: The Procter & Gamble Company  
Attn: General Counsel  
One Procter & Gamble Plaza  
Cincinnati, OH 45202

## **EXHIBIT 2**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

BUTLER

Mailed: September 13, 2011

Opposition No. 91174407

The Procter & Gamble Company

v.

Shmuel Y. Benshabat

On July 6, 2011, the Board sent an order to show cause under Trademark Rule 2.128(a)(3) regarding opposer's failure to file a brief on the case.<sup>1</sup>

Inasmuch as no response has been received, judgment is hereby entered against opposer under Trademark Rule 2.128(a)(3), and the opposition is dismissed with prejudice.

*By the Trademark Trial  
and Appeal Board*

cc  
The Procter & Gamble Company  
One Procter & Gamble Plaza  
Cincinnati, OH 45202

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<sup>1</sup> Opposer's copy of the July 6th order was returned because the USPS was unable to forward the mail. However, it is opposer's responsibility to keep the Office informed of its current address. See TBMP § 117.07 (3d ed. 2011).

## **EXHIBIT 3**

ESTTA Tracking number: **ESTTA113259**

Filing date: **12/06/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	The Procter & Gamble Company
Granted to Date of previous extension	12/06/2006
Address	One Procter & Gamble Plaza Cincinnati, OH 45202 UNITED STATES
Attorney information	James R. Cady Howrey LLP 1950 University Avenue, 4th Floor East Palo Alto, CA 94303 UNITED STATES CadyJ@howrey.com,BasileK@howrey.com,IPDocketing@howrey.com Phone:(650) 798-3500

### Applicant Information

Application No	78598113	Publication date	08/08/2006
Opposition Filing Date	12/06/2006	Opposition Period Ends	12/06/2006
Applicant	Benshabat, Shmuel Y. 38302 W. Van Buren Street Phoenix, AZ 850094101 UNITED STATES		

### Goods/Services Affected by Opposition

Class 003.

All goods and services in the class are opposed, namely: Skin care products containing ingredients from the Dead Sea, namely, facial cream, facial peeling milk, facial mud mask, Non-medicated facial serum, eye gel, anti-wrinkle cream, mud soap, mineral soap, after shave, hand cream, salt facial scrub, body cream with salt, Non-medicated foot cream and body lotion

Attachments	Notice of Opposition - US TM Appl No 78598113 SEACRET.pdf ( 6 pages )(24929 bytes ) Exhibit A - Reg No 645874 SECRET.pdf ( 2 pages )(27911 bytes ) Exhibit B - Reg No 1351236 SECRET.pdf ( 2 pages )(60400 bytes ) Exhibit C - Reg No 3094293 SECRET.pdf ( 1 page )(16772 bytes ) Exhibit D - Reg No 2855101 SECRET (stylized).pdf ( 1 page )(17697 bytes ) Exhibit E - Reg No 2855103 SECRET & Design.pdf ( 1 page )(19799 bytes ) Exhibit F - Reg No 2762897 SECRET SKIN RENEWAL.pdf ( 1 page )(16040 bytes )
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	Exhibit G - Reg No 3036512 SECRET PLATINUM.pdf ( 1 page )(13784 bytes )
Signature	/JRCady/
Name	James R. Cady
Date	12/06/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application of:	§	
Shmuel Y. Benshabat	§	
	§	International Class: 3
Serial No.: 78/598,113	§	
	§	Published: August 8, 2006
Filed: March 30, 2005	§	
	§	
Mark: SEACRET	§	
	§	

Box TTAB FEE  
Commissioner for Trademarks  
P. O. Box 1451  
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Madam:

The Procter & Gamble Company, an Ohio corporation, having its principal place of business at One Procter & Gamble Plaza, Cincinnati, Ohio 45202 (“Opposer”), believes that it will be damaged by the registration of the mark shown in Application Serial No. 78/598,113 filed by Shmuel Y. Benshabat (“Applicant”), and Opposer hereby opposes this application under the provisions of 15 U.S.C. § 1063 (as amended). The Commissioner for Trademarks is hereby authorized to draw on the deposit account No. 08-3038, Order No. 05837.0176.00US00/Cady for any necessary fees.

Application Serial No. 78/598,113 was filed on March 30, 2005 for the mark SEACRET for “Skin care products containing ingredients from the Dead Sea, namely, facial cream, facial peeling milk, facial mud mask, Non-medicated facial serum, eye gel, anti-wrinkle cream, mud soap, mineral soap, after shave, hand cream, salt facial scrub, body cream with salt, Non-



medicated foot cream and body lotion” in International Class 3. The application was published for opposition on August 8, 2006.

An extension of time has been obtained up until December 6, 2006. As a result, this Opposition is timely.

As grounds for the opposition, it is alleged that:

1. Opposer manufactures and sells a wide variety of products for the house, home, baby care, health and wellness, as well as personal and beauty care products. Among Opposer’s personal and beauty care products is Opposer’s line of deodorants, antiperspirants and body sprays sold throughout the United States under the mark SECRET.

2. Opposer adopted the mark SECRET as a trademark for antiperspirants and deodorants in March 1956, and has continuously offered and sold such goods in interstate commerce under the mark SECRET by applying labels bearing the trademarks to the packages in which the goods are shipped and sold, and onto containers in which the goods are distributed, and by displaying representations of the marks in advertising and in other ways customary in the trade. As a result, Opposer has been engaged in the manufacture and sale of deodorants and antiperspirants under the mark SECRET long prior to the filing date of the instant trademark application for SEACRET.

3. Opposer is the owner of record of several trademark registrations in the United States Patent and Trademark Office covering its SECRET mark, either with SECRET standing alone or as part of a composite mark, for a variety of deodorants, antiperspirants and body sprays.

Among these registrations are the following:

<u>EXHIBIT</u>	<u>MARK</u>	<u>REG. NO.</u>	<u>REG. DATE</u>	<u>GOODS AND SERVICES (CLASS)</u>
A	SECRET	645,874	05/21/57	Personal deodorant (Class 5)
B	SECRET	1,351,236	07/30/85	Anti-perspirant and deodorant (Class 3)
C	SECRET	3,094,293	05/16/06	Body spray (Class 3)
D	SECRET (stylized)	2,855,101	06/15/04	Personal deodorant/anti-perspirant (Class 3)
E	SECRET & Design	2,855,103	06/15/04	Personal deodorant/anti-perspirant (Class 3)
F	SECRET SKIN RENEWAL	2,762,897	09/09/03	Personal deodorant and anti-perspirant (Class 3)
G	SECRET PLATINUM	3,036,512	12/27/05	Anti-perspirants and deodorants (Class 3)

Each of these registrations is currently valid and subsisting. Furthermore, Opposer has filed affidavits of continued use and incontestability under §§8 & 15 of the Lanham Act for the registration listed in Exhibit A. Copies of all of these registrations are appended to this Notice of Opposition as Exhibits A – G.

4. Opposer has invested millions of dollars in advertising and promotion of products sold under the SECRET mark. As a result of the investment in advertising and promotion of goods bearing its SECRET mark and the as a result of the high quality of its products bearing this mark, Opposer enjoys a valuable goodwill and reputation with respect to its SECRET trademarks and the goods associated therewith. In fact, SECRET<sup>®</sup> is the number one brand among antiperspirants and deodorants for women in the United States.

5. As a result of over fifty (50) years of continuous and substantial use as well as extensive investment and efforts in promoting the mark SECRET for Opposer's line of

deodorants and antiperspirants, Opposer's trademark SECRET is famous within the meaning of Section 43(c) of the Lanham Act.

6. Applicant's mark SEACRET is phonetically and conceptually identical to Opposer's famous SECRET mark, and is virtually identical in appearance.

7. Applicant seeks registration of the mark SEACRET for a variety of personal care products all of which are highly related to Opposer's goods.

8. The products for which Applicant seeks registration and Opposer's products would be ordinarily sold and distributed to the same class of the purchasing public and through the same channels of trade.

9. The mark SEACRET should not be registered because its use as a source identifier is likely to cause confusion with Opposer's famous SECRET mark as to the source, sponsorship, or affiliation of Applicant's goods.

10. Opposer's SECRET trademark is distinctive and became famous prior to Applicant's March 30, 2005 filing date for its application for the trademark SEACRET.

11. Contrary to the suggestion that would be created by use of the trademark SEACRET, Opposer is neither affiliated with nor a sponsor of Applicant, and the goods identified in the opposed application do not originate from Opposer.

12. On information and belief, Applicant's proposed use of the trademark SEACRET on connection with "skin care products containing ingredients from the Dead Sea, namely, facial cream, facial peeling milk, facial mud mask, non-medicated facial serum, eye gel, anti-wrinkle cream, mud soap, mineral soap, after shave, hand cream, salt facial scrub, body cream with salt, Non-medicated foot cream and body lotion" is likely to cause confusion with Opposer's famous SECRET marks.


13. On information and belief, Applicant's proposed use of the trademark SEACRET will cause or likely will cause dilution of the distinctive quality of Opposer's famous SECRET marks.

14. The registration of Applicant's trademark SEACRET on the Principal Register would be inconsistent with Opposer's rights under the aforementioned registrations and common law, and it would be damaging to Opposer.

WHEREFORE, Opposer requests that Application Serial No. 78/598,113 be rejected, and that no registration be issued in connection with this application, and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY



Date: December 6, 2006

By:  
James R. Cady  
Katherine M. Basile  
HOWREY LLP  
1950 University Avenue, 4th Floor  
East Palo Alto, CA 94303  
(650) 798-3500  
Attorneys for Opposer

OF COUNSEL:  
Steven Caldwell, Esq.  
The Procter & Gamble Company  
One Procter & Gamble Plaza  
Cincinnati, Ohio 45202

CERTIFICATE OF ELECTRONIC TRANSMISSION

DATE OF DEPOSIT: December 6, 2006

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office Trademark Trial and Appeal Board using the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated above.

A handwritten signature in black ink, appearing to read "James R. Cady", written over a horizontal line.

James R. Cady

Int. Cl.: 5

Prior U.S. Cl.: 51

Reg. No. 645,874

United States Patent and Trademark Office

Registered May 21, 1957

10 Year Renewal

Renewal Term Begins May 21, 1997

TRADEMARK  
PRINCIPAL REGISTER

**S E C R E T**

PROCTER & GAMBLE COMPANY, THE  
(OHIO CORPORATION)  
ONE PROCTER & GAMBLE PLAZA  
CINCINNATI, OH 45202

FOR: PERSONAL DEODORANT, IN  
CLASS 51 (INT. CL. 5).

FIRST USE 3-27-1956; IN COMMERCE  
3-27-1956.

OWNER OF U.S. REG. NOS. 159,989,  
510,492 AND 583,587.

SER. NO. 72-008,152, FILED 5-11-1956.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on July 29, 1997.*

COMMISSIONER OF PATENTS AND TRADEMARKS

# United States Patent Office

645,874

Registered May 21, 1957

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## PRINCIPAL REGISTER Trademark

Ser. No. 8,152, filed May 11, 1956

**S E C R E T**

The Procter & Gamble Company (Ohio corporation)  
Gwynne Bldg., Sixth and Main Sts.  
Cincinnati, Ohio

For: PERSONAL DEODORANT, in CLASS 51.  
First use Mar. 27, 1956; in commerce Mar. 27, 1956.  
Owner of Reg. Nos. 159,989, 510,492, and 583,587.

Int. Cl.: 3

Prior U.S. Cl.: 51

United States Patent and Trademark Office

Reg. No. 1,351,236

Registered July 30, 1985

**TRADEMARK  
PRINCIPAL REGISTER**

**SECRET**

PROCTER & GAMBLE COMPANY, THE (OHIO  
CORPORATION)  
ONE PROCTER & GAMBLE PLAZA  
CINCINNATI, OH 45202

FIRST USE 3-27-1956; IN COMMERCE  
3-27-1956.

OWNER OF U.S. REG. NO. 645,874.

SER. NO. 516,849, FILED 1-9-1985.

FOR: ANTI-PERSPIRANT AND DEODOR-  
ANT, IN CLASS 3 (U.S. CL. 51).

MICHELLE S. WISEMAN, EXAMINING AT-  
TORNEY



Int. Cl.: 3

Prior U.S. Cl.: 51

**United States Patent and Trademark Office**

Reg. No. 1,351,236

Registered July 30, 1985

**TRADEMARK  
PRINCIPAL REGISTER**

**SECRET**

PROCTER & GAMBLE COMPANY, THE (OHIO  
CORPORATION)  
ONE PROCTER & GAMBLE PLAZA  
CINCINNATI, OH 45202

FIRST USE 3-27-1956; IN COMMERCE  
3-27-1956.

OWNER OF U.S. REG. NO. 645,874.

SER. NO. 516,849, FILED 1-9-1985.

FOR: ANTI-PERSPIRANT AND DEODOR-  
ANT, IN CLASS 3 (U.S. CL. 51).

MICHELLE S. WISEMAN, EXAMINING AT-  
TORNEY

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52**

**United States Patent and Trademark Office**

**Reg. No. 3,094,293**

**Registered May 16, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**SECRET**

THE PROCTER & GAMBLE COMPANY (OHIO  
CORPORATION)

ONE PROCTER & GAMBLE PLAZA

CINCINNATI, OH 45202

FOR: BODY SPRAY, IN CLASS 3 (U.S. CLS. 1, 4, 6,  
50, 51 AND 52).

FIRST USE 2-28-2005; IN COMMERCE 2-28-2005.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 645,874, 2,762,897,  
AND OTHERS.

SN 78-506,007, FILED 10-26-2004.

LANA PHAM, EXAMINING ATTORNEY

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52**

**United States Patent and Trademark Office**

**Reg. No. 2,855,101**

**Registered June 15, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

The word "Secret" is written in a large, elegant, cursive script. The letters are interconnected, with a prominent 'S' at the beginning and a long, sweeping tail on the 't'. The word is tilted slightly upwards to the right.

THE PROCTER & GAMBLE COMPANY (OHIO  
CORPORATION)  
ONE PROCTER & GAMBLE PLAZA  
CINCINNATI, OH 45202

OWNER OF U.S. REG. NOS. 645,874 AND 1,351,236.

FOR: PERSONAL DEODORANT/ANTI-PERSPIR-  
ANT, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

SN 78-167,889, FILED 9-25-2002.

FIRST USE 6-30-2002; IN COMMERCE 6-30-2002.

RON FAIRBANKS, EXAMINING ATTORNEY

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52**

**United States Patent and Trademark Office**

**Reg. No. 2,855,103**

**Registered June 15, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**



THE PROCTER & GAMBLE COMPANY (OHIO  
CORPORATION)  
ONE PROCTER & GAMBLE PLAZA  
CINCINNATI, OH 45202

FOR: PERSONAL DEODORANT/ANTI-PERSPIR-  
ANT, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 2-28-2003; IN COMMERCE 2-28-2003.

OWNER OF U.S. REG. NOS. 645,874, 1,351,236,  
AND 2,155,710.

THE MARK CONSISTS OF A STYLIZED DESIGN  
OF THE WORD "SECRET" EXISTING WITH A  
FLOWER.

SN 78-167,896, FILED 9-25-2002.

RON FAIRBANKS, EXAMINING ATTORNEY

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52**

**United States Patent and Trademark Office**

**Reg. No. 2,762,897**

**Registered Sep. 9, 2003**

**TRADEMARK  
PRINCIPAL REGISTER**

**SECRET SKIN RENEWAL**

THE PROCTER & GAMBLE COMPANY (OHIO  
CORPORATION)  
ONE PROCTER & GAMBLE PLAZA  
CINCINNATI, OH 45202

FOR: PERSONAL DEODORANT AND ANTI-PER-  
SPIRANT, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND  
52).

FIRST USE 2-10-2003; IN COMMERCE 2-10-2003.

OWNER OF U.S. REG. NOS. 645,874, 1,351,236,  
AND 1,966,629.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "SKIN", APART FROM THE MARK  
AS SHOWN.

SN 78-126,136, FILED 5-3-2002.

PRISCILLA MILTON, EXAMINING ATTORNEY

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52**

**United States Patent and Trademark Office**

**Reg. No. 3,036,512**

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**TRADEMARK  
PRINCIPAL REGISTER**

**SECRET PLATINUM**

THE PROCTER & GAMBLE COMPANY (OHIO  
CORPORATION)  
ONE PROCTER & GAMBLE PLAZA  
CINCINNATI, OH 45202

OWNER OF U.S. REG. NOS. 645,874, 1,351,236,  
AND 2,346,059.

FOR: ANTI-PERSPIRANTS AND DEODORANTS,  
IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

SN 78-277,327, FILED 7-22-2003.

FIRST USE 4-19-1999; IN COMMERCE 4-19-1999.

CATHERINE CAIN, EXAMINING ATTORNEY